



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/387,502	09/01/1999	DAVID WILKINS	032931-0215	2655

7590 10/17/2002  
FOLEY AND LARDNER  
3000 K STREET NW SUITE 500  
P O BOX 25696  
WASHINGTON, DC 200078696

EXAMINER

BAUTISTA, XIOMARA L

ART UNIT PAPER NUMBER

2173

DATE MAILED: 10/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

*See*

**Office Action Summary**

Application No.

09/387,502

Applicant(s)

WILKINS, DAVID

Examiner

X L Bautista

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 August 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed on 8/26/02 have been fully considered but they are not persuasive.

Applicant argues (page 2, lines 14-19) that although "Gill describes a layout method and apparatus for generating multimedia presentations which incorporates media of various types into an integrated presentation, the presentations are not intended to control a graphics engine for on-air broadcasting. Gill cannot be characterized as **providing a processing unit for generating a set of commands based on a representation of a graphics page, which is executable by a graphics engine to create an on-air graphics page in a broadcast system.**"

In response, Gill discloses a menu driven multi-media presentation generation (MPG) system executing on a processor; the system having a multi-media authoring tool that operates with a page based document layout system to encompass dynamic multi-media objects. The video information is obtained from a plurality of external sources including data communication connections to broadcast media, such as Internet or broadcast television, live feeds, etc. Gill teaches creation, display, and editing of a multi-media page layout (figure 2; col. 5, lines 8-31, 52-61, 65-67; col. 6, lines 1-15, 23-30; col. 9, lines 57-67; col. 10, lines 1-50; col. 12, lines 14-22).

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

Art Unit: 2173

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371<sup>9</sup> of this title before the invention thereof by the applicant for patent.

3. **Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by *Gill et al* (US 6,081,262).**

Claims 1, 11, and 18:

Gill discloses a multi-media presentation generation system that combines media objects of multiple diverse types into an integrated multi-media presentation. The multi-media presentation generation system uses a page based document layout paradigm to regulate the spatial relationships among the plurality of objects contained within the multi-media presentation. A multi-media authoring tool extends the capabilities of the page based document layout system to enable an author to merge both static and dynamic objects in a page layout environment to create the multi-media presentation (abstract; col. 1, lines 7-11, 25-27, 30-32; col. 2, lines 3-9; col. 3, lines 10-14, 21-24, 40-44, 49-52, 56-65; col. 4, lines 12-20, 22-26, 31-37). Gill illustrates in figure 1 a menu driven multi-media presentation generation system MPG executing on a processor P, which accesses data from any of a multitude of media sources S1-S6, which data is in any of a multitude of formats and contents for integration into an adaptable product which represents the multi-media presentation. The basic architecture of the multi-media presentation generation system is a multi-media authoring tool which operates in conjunction with a page based document layout system to extend the menu based, static object manipulation capability of the page based document layout system to encompass dynamic multi-media objects. Gill teaches that video information is obtained from a plurality of external

sources including data communication connections to broadcast media, such as Internet or broadcast television, live feeds, etc., (col. 5, lines 8-31, 52-61, 65-67; col. 6, lines 1-15, 23-30).

Figure 2 illustrates a multi-media page layout that is created using the multi-media presentation generation system MPG. Multiple objects are placed on a page, with these objects having different characteristics (col. 9, lines 57-67; col. 10, lines 1-50). Gill teaches that when the user of the multi-media presentation generation system MPG selects the Keys Panel of the palette and specifies a key command, the key and script data is transmitted from the multi-media authoring tool A to the page based document layout system Q, where the keys definition data is stored inside the corresponding master page. The multi-media authoring tool A retrieves this stored keys definition data for display and editing by the user (col. 12, lines 14-22).

Claims 2, 12, and 19:

See claim 1. See col. 5, lines 65-67; col. 6, lines 1-15; col. 14, lines 20-28; col. 17, lines 10-63; col. 22, lines 34-38.

Claims 3, 13, and 20:

See claim 1. See col. 5, lines 65-67; col. 6, lines 1-15; col. 14, lines 20-28; col. 17, lines 10-63; col. 22, lines 34-38.

Claims 4 and 21:

See claim 1. See col. 9, lines 57-67; col. 10, lines 1-50.

Claims 5 and 25:

See claim 1. See col. 5, lines 8-18, 41-45, 65-67; col. 6, lines 1-11; col. 9, lines 48-54.

Claims 6, 14, and 22:

See claim 1. See col. 9, lines 27-54; col. 10, lines 1-42, 64-67; col. 11, lines 1-67; col.

12, lines 1-43.

Claims 7 and 8:

See claim 1. See col. 3, lines 10-14, 21-24, 40-44, 49-52, 56-65; col. 6, lines 23-30.

Claims 9, 15, and 23:

See claim 1. See col. 5, lines 65-67; col. 6, lines 1-20.

Claims 10, 16, and 24:

See claim 1. See col. 11, lines 9-67; col. 1-25.

***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

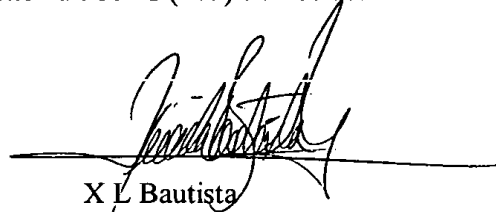
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to X L Bautista whose telephone number is (703) 305-3921. The examiner can normally be reached on M-Th (8:00-18:00) Fridays Off.


Art Unit: 2173

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Cabeca can be reached on (703) 308-3116. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



X L Bautista  
Examiner  
Art Unit 2173



JOHN CABECA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

xlb  
October 13, 2002